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| APPLICATION NO.                                   | FILING DATE                        | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.          | CONFIRMATION NO. |
|---|------------------------------------|----------------------|------------------------------|------------------|
| 10/727,840  | 12/03/2003                         | Seiji Inaoka         | 10030737-1                   | 7415             |
|   | 7590 08/14/2007<br>CHNOLOGIES INC. |                      | EXAMINER                     |                  |
| INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT. |                                    |                      | NOGUEROLA, ALEXANDER STEPHAN |                  |
| MS BLDG. E F<br>LOVELAND, (                       |                                    |                      | ART UNIT                     | PAPER NUMBER     |
|   |                                    |                      | 1753                         |                  |
|   |                                    |                      |                              |                  |
|   |                                    |                      | MAIL DATE                    | DELIVERY MODE    |
|   |                                    | ·                    | 08/14/2007                   | PAPER            |

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

| 1) Responsive to communication(s) filed on  2a) This action is FINAL. 2b) This action is non-final.  3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) Claim(s) 1-30 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) Claim(s) is/are allowed.  6) Claim(s) is/are rejected.  7) Claim(s) is/are objected to.  8) Claim(s) 1-30 are subject to restriction and/or election requirement.  Application Papers  9) The specification is objected to by the Examiner.  10) The drawing(s) filed on is/are: a) accepted or b) objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) All b) Some * c) None of:  1. Certified copies of the priority documents have been received in Application No  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  * See the attached detailed Office action for a list of the certified copies not received.   |   | Application No.   | Applicant(s)  |  |  |  |
|--|---|---|---|--|--|--|
| ALEX NOGUEROLA 1753  - The MAILING DATE of this communication appears on the cover sheet with the correspondence address —  Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE £ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - In the SIA (WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  - If IND period for reply is specified above, the maximum stellutory period will apply and will expire SIX (8) MONTHS from the mailing date of the communication.  - If IND period for reply is specified above, the maximum stellutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication.  - If IND period for reply is specified above, the maximum stellutory period will apply and will expire SIX (8) MONTHS from the mailing date of this communication.  - If IND period for reply is specified above, the maximum stellutory period will apply and will expire solve the period for some abANDDRE SIX   |   | 10/727,840  | INAOKA, SEIJI   |  |  |  |
| - The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Estancians clim many be available under the provision of 37 CPR 1-130(i). In one ount, Investing any a resty be timely feed with the control of this communication, and apply and will expire SIX (6) MONTHS from the mailing date of this communication, will apply and will expire SIX (6) MONTHS from the mailing date of this communication, will apply and will expire SIX (6) MONTHS from the mailing date of this communication, which will be set or excended period for expire 4, by stanking, cause the acquitation become ABMANDORE (3) U.S.C.\$ (-33). Any riphy received by the Office later than three months after the mailing date of this communication, even if timely filled, may reduce any send plannin than adjustment. See 37 CPR 1.73(1).  Status  1)  Responsive to communication (s) filled on  | Office Action Summary   | Examiner  | Art Unit  |  |  |  |
| Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  ***Interest of the Communication of Co |   | ALEX NOGUEROLA  | 1753  |  |  |  |
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| WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of irem may be unsigned and the communication of 30°CFR 1.13(a). In no event, however, may a reply be timely filled utler SIX (5) MCNTH's from the mailing date of this communication.  Failute for grey which the set or extended period for reply will by status. A reply and will explice SIX (6) MCNTH's from the mailing date of this communication.  Failute for grey which the set or extended period for reply will by status. A reply reply received by the Office later than three menths after the mailling date of this communication, even if simely filed, may reduce any seemed plant the mailing date of this communication, even if simely filed, may reduce any seemed plant the mailing date of this communication, even if simely filed, may reduce any seemed plant the mailing date of this communication, even if simely filed, may reduce any seemed plant them adjusted.  3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Queyle, 1935 C.D. 11, 453 O.G. 213.  Disposition of Claims  4) ☐ Claim(s) 1-30 is/are pending in the application.  4a) Of the above claim(s) is/are withdrawn from consideration.  5) ☐ Claim(s) is/are allowed.  6) ☐ Claim(s) is/are allowed.  7) ☐ Claim(s) is/are explicated to.  8) ☐ Claim(s) is/are subjected to.  8) ☐ The specification is objected to by the Examiner.  Applicant may not request that any objection to the drawing(s) be held in abovance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.  Priority under 35 U.S.C. § 119  12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  a) ☐ All b) ☐ Some *c) ☐ None of:  1. ☐ Certified copies of                                 | • •   |   |   |  |  |  |
| 1) Responsive to communication(s) filed on   | <ul> <li>WHICHEVER IS LONGER, FROM THE MAILING</li> <li>Extensions of time may be available under the provisions of 37 CFR after SIX (6) MONTHS from the mailing date of this communication.</li> <li>If NO period for reply is specified above, the maximum statutory period for reply within the set or extended period for reply will, by state Any reply received by the Office later than three months after the maximum.</li> </ul> | DATE OF THIS COMMUNIC<br>1.136(a). In no event, however, may a re<br>iod will apply and will expire SIX (6) MONT<br>tute, cause the application to become ABA | CATION.  Apply be timely filed  Output  THS from the mailing date of this communication.  ANDONED (35 U.S.C. 6 133) |  |  |  |
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## **DETAILED ACTION**

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## Election/Restrictions

This application contains claims directed to the following patentably distinct 1. species: detecting using an imaging technique (optical, paragraph [0005] of the specification), detecting using an electronic measurement technique, and detecting using a mass measurement technique. The species are independent or distinct because the detecting technique controls classification of the claimed method and system and each of these detecting techniques has a separate classification - classes 422/82.05, 204/400, and 73/865, respectively.

Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, claims 1, 13, 24, and 28 are generic.

Applicant is advised that a reply to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered nonresponsive unless accompanied by an election.

Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which depend from or otherwise require all the limitations of an allowable generic claim as provided by 37 CFR 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. MPEP § 809.02(a).

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2. A telephone call was made to Timothy Joyce August 03, August 06, 2007, and August 09, 2007 to request an oral election to the above restriction requirement, but did not result in an election being made.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions Application/Control Number: 10/727,840

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unpatentable over the prior art, the evidence or admission may be used in a rejection

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under 35 U.S.C.103(a) of the other invention.

3. Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ALEX NOGUEROLA whose telephone number is (571) 272-

1343. The examiner can normally be reached on M-F 8:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, NAM NGUYEN can be reached on (571) 272-1342. The fax phone number for the

organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Alex Noguerola

Primary Examiner

AU 1753

August 9, 2007